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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,831	05/30/2001	Thomas E. Creamer	6169-225	6112
40987	7590	11/01/2005		
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/867,831	Applicant(s) CREAMER ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Application History***

1. This action is responsive to the Request for Continued Examination, filed on 6/1/2005.
2. Applicant has amended claims 1-8.
3. Claims 1-19 are pending in the case, claims 1, 3, 5 and 8 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 3/1/2005) has been withdrawn pursuant to 37 CFR 1.114.

### ***Double Patenting***

5. Applicant is advised that should claims 13 be found to be allowable, claim 14 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates, or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."*

7. Claims 1-9, 11-15 and 17-19 remain rejected under 35 U.S.C. 102(b) as being anticipated by Krishnaswamy et al. US Patent 5,999,525, filed 11/18/1996, patented 12/7/1999 (hereinafter Krishnaswamy).
8. **Regarding independent claim 1**, Krishnaswamy discloses using the Internet for telecommunications service. Krishnaswamy recites: *"The present invention relates to the interconnection of a communication network including telephony capability with the Internet"* (column 1, lines 12-14). Krishnaswamy discloses using the Internet for managing telecommunications service attributes. Krishnaswamy recites: *"The Internet and with it, the World Wide Web, offers easy customer access, widespread commercial opportunities, and fosters a new role for successful telecommunications companies. The ISP platform offers many features, which can be applied or reapplied from telephony to the Internet. These include access, customer equipment, personal accounts, billing, marketing (and advertising) data or application content, and even basic telephone service"* (column 23, lines 11-18).

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Krishnaswamy discloses direct management of telecommunications services by subscribers, which enables a subscriber to experience different telecommunication service behavior after service management. Krishnaswamy recites: *"Services provided by the ISP 2100 will span those needed in advertising, agriculture, education, entertainment, finance, government, law, manufacturing, medicine, network transmission, real estate, research, retailing, shipping, telecommunications, tourism, wholesaling, and many others. Services: Customizable: customer is able to tailor the service offerings to their own needs. Customer managed: customer has direct (network-side) access for the administration and control of their service"* (column 26, lines 16-27).

Krishnaswamy discloses providing a plurality of service selections embodied on a hypermedia document, where the selections correspond to a telecommunications service attribute associated with a telecommunication subscriber, and receiving a user selection in the hypermedia document. Krishnaswamy recites: *"send a service selection screen to the user 452. The Service Selection screen directs the user to an appropriate Application Server. The user selects the Application, but an HTML file in the Server Section page determines the Application Server"* (column 59, line 66 to column 60, line 3). Krishnaswamy discloses a plurality of selections embodied in a hypermedia document. Krishnaswamy recites: *"The Welcome Servers serve the HTML pages described below to the user at appropriate times"* (column 61, lines 66-67).

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Krishnaswamy discloses generating a service logic execution environment (SLEE) compatible event based upon the user selection, where the event is a service component within and registered to the SLEE. Krishnaswamy also discloses routing the event to the service component and updating the service information. Krishnaswamy recites: *"All services execute in common service logic execution environments (SLEEs), which do not require software changes when new services are introduced"* (column 30, lines 12-14) and *"When a SLEE is started on a Service Engine 2134, it retrieves its configuration from the database server 2182. The configuration instructs the SLEE to execute a list of services 2200. The software for these services is part of the service templates deployed on the database servers"* (column 37, lines 26-32) (compare "list of services" to "plurality of selections"). Krishnaswamy also recites: *"When the user selects a service, the selection request, with its embedded TOKEN, is sent to the appropriate Application Server. The Application Server validates the TOKEN using the Token Server 454 and, if valid, serves the request"* (column 61, lines 9-12) and *"Once all information has arrived, an event is generated to any service which has subscribed to this kind of event, and services may then operate on the data"* (column 38, lines 1-4).

Krishnaswamy discloses the telecommunications service is available to an associated telecommunications subscriber through a phone. Krishnaswamy recites: *"The MCI Intelligent Network is a call processing architecture for processing voice, fax and related services. The Intelligent Network comprises*

*a special purpose bridging switch with special capabilities and a set of general purpose computers along with an Automatic Call Distributor (ACD). The call processing including number translation services, automatic or manual operator services, validation services and database services are carried out on a set of dedicated general purpose computers with specialized software"* (column 18, lines 22-30).

9. **Regarding dependent claim 2**, Krishnaswamy discloses receiving an acknowledgment event from the service computer. Krishnaswamy recites: *"Upon successful update of the, the directory service sends a response back to the specified IP address indicating that the message was received and processed. This acknowledgment message may also contain some sort of security or encryption key to guarantee secure communication"* (column 101, lines 8-11). Krishnaswamy discloses a common interface available to the telecommunications subscriber and to service provider personnel. Krishnaswamy recites: *"This information is maintained in a database that can be accessed by everyone on the network with authorization to do so"* (column 23, lines 41-43).

10. **Regarding independent claims 3, 5 and 7**, the claims are directed toward a method or machine-readable storage for the method of claim 1, and are rejected using the same rationale. Claims 5 and 7 are further directed to performing the updating step without accessing a database external to said service component. Krishnaswamy discloses performing the updating step

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without accessing a database external to the service component. Krishnaswamy recites: *"a three-tier service creation environment for services the provider sells. Services are deployed and updated through the Marketable Service Gateway 2128"* (column 27, lines 32-35). Krishnaswamy discloses in Figure 21 at reference sign 2128, the Marketable Service Gateway connected to the MCI Networks via the Distributed Processing Environment. Krishnaswamy discloses in Figure 16, the MCI Network connected to the Database Engine (on the right side of the figure).

11. **Regarding dependent claims 4, 6 and 8**, the claims are directed toward a method or machine-readable storage for the method of claim 2, and are rejected using the same rationale.
12. **Regarding dependent claim 9**, Krishnaswamy discloses that the user is the service subscriber. Krishnaswamy discloses a user performing a variety of service updates, as shown in Figures 57-67. In subsequent sections of Krishnaswamy is described as a service subscriber. Krishnaswamy recites: *"reporting identifies the number of different subscribers accessing Profile Management or the Message Center through the WWW Site"* (column 58, lines 59-62).
13. **Regarding dependent claim 11**, Krishnaswamy discloses in Figure 59, presenting subscriber information to the user at reference sign 732 (shown as *"Find-Me Routing"*).



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14. **Regarding dependent claim 12**, Krishnaswamy discloses presenting real-time usage measurements for the service. Krishnaswamy recites: *"Analysis Services 2144--a special kind of service engine that isn't based on network access, but is based on adding value based upon network statistics or call context information in real time or near real time. Examples include fraud detection and customer traffic statistics"* (column 28, lines 32-37).
15. **Regarding dependent claim 13**, Krishnaswamy discloses a hypermedia document with lifecycle management information. Krishnaswamy recites: *"Customer Service teams support all services. Customer support is provided to customers in a seamless manner and encompasses the complete product life cycle"* (column 57, lines 47-50), and *"on-line access to databases with information about ARU or VRU capabilities, WWW Browser capabilities, identified hardware issues and identified application issues"* (column 58, lines 7-10).
16. **Regarding dependent claim 14**, the claim contains substantially the same subject matter as claim 13, and is rejected using the same rationale. See also the Double Patenting section of this action for additional grounds of rejection regarding claim 14.
17. **Regarding dependent claim 15**, the claim is directed toward a machine-readable storage for the method of claim 9, and is rejected using the same rationale.

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18. **Regarding dependent claims 17-19**, the claims are directed toward a machine-readable storage for the method of claims 11-13, and are rejected using the same rationale.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."*

20. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnaswamy.

21. **Regarding dependent claim 10**, Krishnaswamy discloses a hypermedia document based telecommunications service management method as described above. Krishnaswamy fails to explicitly describe a user of the service as an agent of the service provider, however Krishnaswamy teaches the use of the system by any user authorized to do so. Krishnaswamy recites: *"This information is maintained in a database that can be accessed by everyone on the network with authorization to do so"* (column 23, lines 41-43).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to use the hypermedia document based telecommunications service management method by an agent of the service provider so that *"Users can manage more aspects of a network than previously possible and control network activities from a central site"* (Krishnaswamy, column 1, lines 30-32).

22. **Regarding dependent claim 16**, the claim is directed toward a machine-readable storage for the method of claim 10, and is rejected using the same rationale.

### ***Response to Arguments***

23. Applicant's arguments filed 6/1/2005 have been fully considered but they are not persuasive.
24. Examiner wishes to thank applicant for indicating in the remarks (pages 9 and 10 of the response filed 6/1/2005), where to find support for claim amendments.
25. **Regarding independent claims 1, 3, 5, and 7**, applicant argues that: *"Krishnaswamy fails to explicitly, inherently or implicitly teach these claimed limitations"* (page 11, first paragraph, of the response filed 6/1/2005). Applicant is directed to the rejection of claims 1, 3, 5 and 7, as restated above. Krishnaswamy teaches a system and method for using a computer as

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a telephone and the Internet as a telecommunications system, and management of the system through HTML web pages, that allow a subscriber to experience different service behavior after executing a service event.

26. **Also regarding independent claims 1, 3, 5 and 7**, the applicant argues that: "*Krishnaswamy provides no teachings regarding a SLEE component capable of updating subscriber telecommunications attributes*" (page 11, last paragraph, of the response filed 6/1/2005). Applicant is directed to the rejection of claims 1, 3, 5 and 7, as restated above. Krishnaswamy teaches a system and method for using a computer as a telephone and the Internet as a telecommunications system, and management of the system through SLEE embodied on HTML web pages, that allow a subscriber to experience different service behavior after executing a service event.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
October 26, 2005



**STEPHEN HONG**  
SUPERVISORY PATENT EXAMINER